IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 27TH APRIL 2007 / 7TH VAISAKHA 1929

Bail Appl..No. 2670 of 2007

CRIME NO. 149/95 OF KASARAGOD POLICE STATION
OPDIV.37/2007 of FAMILY COURT, THIRUVALLA
.....

PETITIONER/2ND ACCUSED

V.R.SHIVADASAN,
KALALAYAM, BACKAL POST, KASARAGOD.

BY ADV. SRI.M.DINESH

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2670 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the second accused in Crime No.149/95 of Kasargod Police Station, registered for offence under Section 420 IPC. According to the petitioner, all accused, except him, were acquitted and the case as against him was re-filed as C.C.No.441/02 before the Chief Judicial Magistrate's Court, Kasargode. The case as against the petitioner happened to be split up and re-filed as he was an absconding accused. Hence, he can be granted anticipatory bail, imposing stringent conditions only.

In the result, I allow this bail application and direct that:

(i) the petitioner do surrender before the learned Magistrate concerned positively within

fifteen days from today;

(ii) that on such surrender and on his depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) that on such release the petitioner shall co-operate with the investigation in the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) that the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioner to the Investigating Officer for questioning, if the Investigating Agency so asks for and the learned

Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv